Form PTO-850-(Rev. 01-10-2001)

INTERFERENCE INITIAL MEMORANDUM

Count # 1

To the Board of Patent Appeals and Interferences:

An interference is proposed involving the following 2 parties—

PARTY	APPLICATION NO.	FILING DATE	PATENT NO., IF ANY	ISSUE DATE, IF ANY
Ginter et al.	09/411205	10/4/99	—	—

If the involved case is a patent, have its maintenance fees been paid? Yes ____ No ____ Not due yet ____

Proposed priority benefit (list all intervening applications necessary for continuity):

COUNTRY	APPLICATION NO.	FILING DATE	PATENT NO., IF ANY	ISSUE DATE, IF ANY
USA	09/208017	12/9/98	6253193	6/26/01
USA	08/964333	11/4/97	~~5982891~~ 5892891	11/9/99 ~~4/6/99~~
USA	08/388107	2/13/95	—	—

The claim(s) of this party corresponding to this count: 91-93, 95-102, 105-109, 112-122, 124-131, 134-138, 141-148

PATENTED OR PATENTABLE PENDING CLAIMS: all

UNPATENTABLE PENDING CLAIMS: —

The claim(s) of this party NOT corresponding to this count: 94, 103, 104, 110, 111, 123, 132, 133, 139, 140

PATENTED OR PATENTABLE PENDING CLAIMS: all

UNPATENTABLE PENDING CLAIMS: —

PARTY (Benson I)	APPLICATION NO.	FILING DATE	PATENT NO., IF ANY	ISSUE DATE, IF ANY
Benson et al.	08/594811	1/31/96	5845281	12/1/98

If the involved case is a patent, have its maintenance fees been paid? Yes X No ____ Not due yet ____ 4/8/02 3½ yr. fee paid

Proposed priority benefit (list all intervening applications necessary for continuity):

COUNTRY	APPLICATION NO.	FILING DATE	PATENT NO., IF ANY	ISSUE DATE, IF ANY

The claim(s) of this party corresponding to this count: 1-3, 5-12, 15-19, 22-29

PATENTED OR PATENTABLE PENDING CLAIMS	UNPATENTABLE PENDING CLAIMS
all	—

The claim(s) of this party NOT corresponding to this count: 4, 13, 14, 20, 21

PATENTED OR PATENTABLE PENDING CLAIMS	UNPATENTABLE PENDING CLAIMS
all	—

(Check off each step, if applicable) INSTRUCTIONS

- 1. Obtain all files listed above.
- 2. Confirm that the proposed involved claims are still active and all corrections and entered amendments have been considered. The patents must not be expired for, among other things, failure to pay a maintenance fee (Check PALM screen 2970).
- 3. If one of the involved files is a published application or a patent, check for compliance with 35 U.S.C. 135(b).
- 4. Obtain a certified copy of any foreign benefit documents where necessary (37 CFR 1.55(a)).
- 5. Discuss the proposed interference with an Interference Practice Specialist in your Technology Center.

DATE	PRIMARY EXAMINER (signature)	ART UNIT	TELEPHONE NO.

DATE	INTERFERENCE PRACTICE SPECIALIST or TECHNOLOGY CENTER DIRECTOR (signature)	TELEPHONE NO.

Form PTO-850-(Rev. 01-10-2001)

INTERFERENCE INITIAL MEMORANDUM

Count # 1

To the Board of Patent Appeals and Interferences:

An interference is proposed involving the following 2 parties—

PARTY (Benson II)	APPLICATION NO.	FILING DATE	PATENT NO., IF ANY	ISSUE DATE, IF ANY
Benson et al.	09/164 606	10/1/98	—	—

If the involved case is a patent, have its maintenance fees been paid? Yes ____ No ____ Not due yet ____

Proposed priority benefit (list all intervening applications necessary for continuity):

COUNTRY	APPLICATION NO.	FILING DATE	PATENT NO., IF ANY	ISSUE DATE, IF ANY
USA	08/594811	1/31/96	5845281	12/1/98

The claim(s) of this party corresponding to this count: 30-32, 34-41, 44-46, 48, 51, 56, 58-66, 68, 69

PATENTED OR PATENTABLE PENDING CLAIMS	UNPATENTABLE PENDING CLAIMS
all	—

The claim(s) of this party NOT corresponding to this count: 33, 42, 43, 47, 49, 50, 52-55, 57, 67

PATENTED OR PATENTABLE PENDING CLAIMS	UNPATENTABLE PENDING CLAIMS
all	—

PARTY (Benson III)	APPLICATION NO.	FILING DATE	PATENT NO., IF ANY	ISSUE DATE, IF ANY
Benson et al.	09/321386	5/27/99	—	—

If the involved case is a patent, have its maintenance fees been paid? Yes ____ No ____ Not due yet ____

Proposed priority benefit (list all intervening applications necessary for continuity):

COUNTRY	APPLICATION NO.	FILING DATE	PATENT NO., IF ANY	ISSUE DATE, IF ANY
USA	09/164606	10/1/98	—	—
USA	08/594811	1/31/96	5845281	12/1/98

The claim(s) of this party corresponding to this count: 1-3, 5-12, 15-17, 19, 22, 27, 29-37, 39-53

PATENTED OR PATENTABLE PENDING CLAIMS	UNPATENTABLE PENDING CLAIMS
all	—

The claim(s) of this party NOT corresponding to this count: 4, 13, 14, 18, 20, 21, 23-26, 28, 38

PATENTED OR PATENTABLE PENDING CLAIMS	UNPATENTABLE PENDING CLAIMS
all	—

(Check off each step, if applicable) INSTRUCTIONS

- 1. Obtain all files listed above.
- 2. Confirm that the proposed involved claims are still active and all corrections and entered amendments have been considered. The patents must not be expired for, among other things, failure to pay a maintenance fee (Check PALM screen 2970).
- 3. If one of the involved files is a published application or a patent, check for compliance with 35 U.S.C. 135(b).
- 4. Obtain a certified copy of any foreign benefit documents where necessary (37 CFR 1.55(a)).
- 5. Discuss the proposed interference with an Interference Practice Specialist in your Technology Center.

DATE	PRIMARY EXAMINER (signature)	ART UNIT	TELEPHONE NO.
8/22/03	Maria N. Von Buhr	2125	305-3837
DATE	INTERFERENCE PRACTICE SPECIALIST or TECHNOLOGY CENTER DIRECTOR (signature)		TELEPHONE NO.
8/22/03	Paul L. Dwyer		306-4160

Form PTO-850-(Rev. 01-10-2001)	**INTERFERENCE INITIAL MEMORANDUM**	Count # 2

To the Board of Patent Appeals and Interferences:

An interference is proposed involving the following 2 parties—

PARTY	APPLICATION NO.	FILING DATE	PATENT NO., IF ANY	ISSUE DATE, IF ANY
Ginter et al.	09/411205	10/4/99	—	—

If the involved case is a patent, have its maintenance fees been paid? Yes ___ No ___ Not due yet ___

Proposed priority benefit (list all intervening applications necessary for continuity):

COUNTRY	APPLICATION NO.	FILING DATE	PATENT NO., IF ANY	ISSUE DATE, IF ANY
USA	09/208017	12/9/98	6253193	6/26/01
USA	08/964333	11/4/97	5892891	4/6/99
USA	08/388107	2/13/95	—	—

The claim(s) of this party corresponding to this count: 94, 103, 104, 123, 132, 133

PATENTED OR PATENTABLE PENDING CLAIMS: all

UNPATENTABLE PENDING CLAIMS: —

The claim(s) of this party NOT corresponding to this count: 91-93, 95-102, 105-122, 124-131, 134-148

PATENTED OR PATENTABLE PENDING CLAIMS: all

UNPATENTABLE PENDING CLAIMS: —

PARTY (Benson I)	APPLICATION NO.	FILING DATE	PATENT NO., IF ANY	ISSUE DATE, IF ANY
Benson et al.	08/594811	1/31/96	5845281	12/1/98

If the involved case is a patent, have its maintenance fees been paid? Yes X No ___ Not due yet ___ 4/8/02 3½ yr. fee paid

Proposed priority benefit (list all intervening applications necessary for continuity):

COUNTRY	APPLICATION NO.	FILING DATE	PATENT NO., IF ANY	ISSUE DATE, IF ANY

The claim(s) of this party corresponding to this count: 4, 13, 14

PATENTED OR PATENTABLE PENDING CLAIMS	UNPATENTABLE PENDING CLAIMS
all	—

The claim(s) of this party NOT corresponding to this count: 1-3, 5-12, 15-29

PATENTED OR PATENTABLE PENDING CLAIMS	UNPATENTABLE PENDING CLAIMS
all	—

(Check off each step, if applicable) INSTRUCTIONS

- 1. Obtain all files listed above.
- 2. Confirm that the proposed involved claims are still active and all corrections and entered amendments have been considered. The patents must not be expired for, among other things, failure to pay a maintenance fee (Check PALM screen 2970).
- 3. If one of the involved files is a published application or a patent, check for compliance with 35 U.S.C. 135(b).
- 4. Obtain a certified copy of any foreign benefit documents where necessary (37 CFR 1.55(a)).
- 5. Discuss the proposed interference with an Interference Practice Specialist in your Technology Center.

DATE	PRIMARY EXAMINER (signature)	ART UNIT	TELEPHONE NO.
DATE	INTERFERENCE PRACTICE SPECIALIST or TECHNOLOGY CENTER DIRECTOR (signature)		TELEPHONE NO.

Form PTO-850-(Rev. 01-10-2001)	**INTERFERENCE INITIAL MEMORANDUM**	Count# 1Z

To the Board of Patent Appeals and Interferences:

An interference is proposed involving the following 2 parties—

PARTY (Benson II)	APPLICATION NO.	FILING DATE	PATENT NO., IF ANY	ISSUE DATE, IF ANY
Benson et al.	09/164 606	10/1/98	—	—

If the involved case is a patent, have its maintenance fees been paid? Yes ____ No ____ Not due yet _____

Proposed priority benefit (list all intervening applications necessary for continuity):

COUNTRY	APPLICATION NO.	FILING DATE	PATENT NO., IF ANY	ISSUE DATE, IF ANY
USA	08/594 811	1/31/96	5845281	12/1/98

The claim(s) of this party corresponding to this count: 33, 42, 43, 47, 49, 50, 57, 67

PATENTED OR PATENTABLE PENDING CLAIMS	UNPATENTABLE PENDING CLAIMS
all	—

The claim(s) of this party NOT corresponding to this count: 30-32, 34-41, 44-46, 48, 51-56, 58-66, 68, 69

PATENTED OR PATENTABLE PENDING CLAIMS	UNPATENTABLE PENDING CLAIMS
all	—

PARTY (Benson III)	APPLICATION NO.	FILING DATE	PATENT NO., IF ANY	ISSUE DATE, IF ANY
Benson et al.	09/321 386	5/27/99	—	—

If the involved case is a patent, have its maintenance fees been paid? Yes ____ No ____ Not due yet _____

Proposed priority benefit (list all intervening applications necessary for continuity):

COUNTRY	APPLICATION NO.	FILING DATE	PATENT NO., IF ANY	ISSUE DATE, IF ANY
USA	09/164 606	10/1/98	—	—
USA	08/594 811	1/31/96	5845281	12/1/98

The claim(s) of this party corresponding to this count: 4, 13, 14, 18, 20, 21, 28, 38

PATENTED OR PATENTABLE PENDING CLAIMS	UNPATENTABLE PENDING CLAIMS
all	—

The claim(s) of this party NOT corresponding to this count: 1-3, 5-12, 15-17, 19, 22-27, 29-37, 39-53

PATENTED OR PATENTABLE PENDING CLAIMS	UNPATENTABLE PENDING CLAIMS
all	—

(Check off each step, if applicable) INSTRUCTIONS

- 1. Obtain all files listed above.
- 2. Confirm that the proposed involved claims are still active and all corrections and entered amendments have been considered. The patents must not be expired for, among other things, failure to pay a maintenance fee (Check PALM screen 2970).
- 3. If one of the involved files is a published application or a patent, check for compliance with 35 U.S.C. 135(b).
- 4. Obtain a certified copy of any foreign benefit documents where necessary (37 CFR 1.55(a)).
- 5. Discuss the proposed interference with an Interference Practice Specialist in your Technology Center.

DATE	PRIMARY EXAMINER (signature)	ART UNIT	TELEPHONE NO.
8/22/03	Maria N. Von Buhr	2125	305-3837

DATE	INTERFERENCE PRACTICE SPECIALIST or TECHNOLOGY CENTER DIRECTOR (signature)	TELEPHONE NO.
8/22/03	Richard Lefer	305-4160

RECEIVED

Form PTO-850-(Rev. 01-10-2001)	INTERFERENCE INITIAL MEMORANDUM	Count #3

To the Board of Patent Appeals and Interferences:

An interference is proposed involving the following 2 parties—

PARTY	APPLICATION NO.	FILING DATE	PATENT NO., IF ANY	ISSUE DATE, IF ANY
Ginter et al.	09/411205	10/4/99	—	—

If the involved case is a patent, have its maintenance fees been paid? Yes ____ No ____ Not due yet ____

Proposed priority benefit (list all intervening applications necessary for continuity):

COUNTRY	APPLICATION NO.	FILING DATE	PATENT NO., IF ANY	ISSUE DATE, IF ANY
USA	09/208017	12/9/98	6253193	6/26/01
USA	08/964333	11/4/97	5892891	4/6/99
USA	08/388107	2/13/95	—	—

The claim(s) of this party corresponding to this count: 110, 111, 139, 140

PATENTED OR PATENTABLE PENDING CLAIMS	UNPATENTABLE PENDING CLAIMS
all	—

The claim(s) of this party NOT corresponding to this count: 91-109, 112-138, 141-148

PATENTED OR PATENTABLE PENDING CLAIMS	UNPATENTABLE PENDING CLAIMS
all	—

PARTY (Benson I)	APPLICATION NO.	FILING DATE	PATENT NO., IF ANY	ISSUE DATE, IF ANY
Benson et al.	08/594811	1/31/96	5845281	12/1/98

If the involved case is a patent, have its maintenance fees been paid? Yes X No ____ Not due yet ____ 4/8/02 3½ yr. fee paid

Proposed priority benefit (list all intervening applications necessary for continuity):

COUNTRY	APPLICATION NO.	FILING DATE	PATENT NO., IF ANY	ISSUE DATE, IF ANY

The claim(s) of this party corresponding to this count: 20, 21

PATENTED OR PATENTABLE PENDING CLAIMS	UNPATENTABLE PENDING CLAIMS
all	—

The claim(s) of this party NOT corresponding to this count: 1-19, 22-29

PATENTED OR PATENTABLE PENDING CLAIMS	UNPATENTABLE PENDING CLAIMS
all	—

(Check off each step, if applicable) INSTRUCTIONS

- 1. Obtain all files listed above.
- 2. Confirm that the proposed involved claims are still active and all corrections and entered amendments have been considered. The patents must not be expired for, among other things, failure to pay a maintenance fee (Check PALM screen 2970).
- 3. If one of the involved files is a published application or a patent, check for compliance with 35 U.S.C. 135(b).
- 4. Obtain a certified copy of any foreign benefit documents where necessary (37 CFR 1.55(a)).
- 5. Discuss the proposed interference with an Interference Practice Specialist in your Technology Center.

DATE	PRIMARY EXAMINER (signature)	ART UNIT	TELEPHONE NO.

DATE	INTERFERENCE PRACTICE SPECIALIST or TECHNOLOGY CENTER DIRECTOR (signature)	TELEPHONE NO.

Form PTO-850-(Rev. 01-10-2001)	INTERFERENCE INITIAL MEMORANDUM	Count # 3

To the Board of Patent Appeals and Interferences:

An interference is proposed involving the following 2 parties—

PARTY (Benson II)	APPLICATION NO.	FILING DATE	PATENT NO., IF ANY	ISSUE DATE, IF ANY
Benson etal.	09/164606	10/1/98	—	—

If the involved case is a patent, have its maintenance fees been paid? Yes ____ No ____ Not due yet ____

Proposed priority benefit (list all intervening applications necessary for continuity):

COUNTRY	APPLICATION NO.	FILING DATE	PATENT NO., IF ANY	ISSUE DATE, IF ANY
USA	08/594811	1/31/96	5845281	12/1/98

The claim(s) of this party corresponding to this count: 52, 53, 55

PATENTED OR PATENTABLE PENDING CLAIMS	UNPATENTABLE PENDING CLAIMS
all	—

The claim(s) of this party NOT corresponding to this count: 30-51, 54, 56-69

PATENTED OR PATENTABLE PENDING CLAIMS	UNPATENTABLE PENDING CLAIMS
all	—

PARTY (Benson III)	APPLICATION NO.	FILING DATE	PATENT NO., IF ANY	ISSUE DATE, IF ANY
Benson etal.	09/321386	5/27/99	—	—

If the involved case is a patent, have its maintenance fees been paid? Yes ____ No ____ Not due yet ____

Proposed priority benefit (list all intervening applications necessary for continuity):

COUNTRY	APPLICATION NO.	FILING DATE	PATENT NO., IF ANY	ISSUE DATE, IF ANY
USA	09/164606	10/1/98	—	—
USA	08/594811	1/31/96	5845281	12/1/98

The claim(s) of this party corresponding to this count: 23, 24

PATENTED OR PATENTABLE PENDING CLAIMS	UNPATENTABLE PENDING CLAIMS
all	—

The claim(s) of this party NOT corresponding to this count: 1-22, 25-53

PATENTED OR PATENTABLE PENDING CLAIMS	UNPATENTABLE PENDING CLAIMS
all	—

(Check off each step, if applicable) INSTRUCTIONS

- 1. Obtain all files listed above.
- 2. Confirm that the proposed involved claims are still active and all corrections and entered amendments have been considered. The patents must not be expired for, among other things, failure to pay a maintenance fee (Check PALM screen 2970).
- 3. If one of the involved files is a published application or a patent, check for compliance with 35 U.S.C. 135(b).
- 4. Obtain a certified copy of any foreign benefit documents where necessary (37 CFR 1.55(a)).
- 5. Discuss the proposed interference with an Interference Practice Specialist in your Technology Center.

DATE	PRIMARY EXAMINER (signature)	ART UNIT	TELEPHONE NO.
8/22/03	Maria N. VonBuhr	2125	305-3837

DATE	INTERFERENCE PRACTICE SPECIALIST or TECHNOLOGY CENTER DIRECTOR (signature)	TELEPHONE NO.
8/22/03	Paul S. Lanfer	306-4160

Interference #xxxxxx

1. **Count 1**: Claim 1 of SN 09/321,386 (Benson et al. III).
2. **Count 2**: Claim 4 of SN 09/321,386 (Benson et al. III).
3. **Count 3**: Claim 23 of SN 09/321,386 (Benson et al. III).

Differences between the counts:

Count 2 depends from Count 1, but the specific security control elements, and processing in response thereto, of Count 2 would not have been obvious over the presence of generic control elements in the method of Count 1.

Count 3 is separate from Count 1, because the comparing of multiple data packages for matching elements in order to control processor execution of Count 3 would not have been obvious over using control elements to control access to data objects as in the method of Count 1.

Means plus function analysis:

No means plus function language has been used.

Correlation of claims in SN 09/321,386 (Benson et al. III), SN 09/164,606 (Benson et al. II), PN 5845281 (Benson et al. I) and SN 09/411,205 (Ginter et al., Senior party) to the counts:

COUNT 1:

- claim 1 of SN 09/321,386 (Benson et al. III), with the following corresponding claims:

SN 09/321,386 (Benson et al. III): claims 1-3, 5-12, 15-17, 19, 22, 27, 29-37 and 39-53

SN 09/164,606 (Benson et al. II): claims 30-32, 34-41, 44-46, 48, 51, 56, 58-66, 68 and 69

PN 5845281 (Benson et al. I): claims 1-3, 5-12, 15-19 and 22-29

SN 09/411,205 (Ginter et al.): claims 91-93, 95-102, 105-109, 112-122, 124-131, 134-138 and 141-148

Correspondence of claims of SN 09/321,386 (Benson et al. III) to Count 1 above.

Independent claim 1 is Count 1.

Independent claim 10 provides for the "mirror" of the method of Count 1 (i.e.; Count 1 provides for packaging of a data object with its usage control elements for transmission to a user, while this claim provides for the user receiving such objects and using them according to the usage control elements), which would have been an obvious consequence of the method of Count 1.

Independent claim 16 is the apparatus version of Count 1.

Independent claim 19 is the apparatus version of claim 10, similar to the method of Count 1 as noted above.

Independent claims 27 and 35 provide for repeated (re)-packaging of the data objects (i.e.; the sharing of data objects) of the method of Count 1, wherein such would have been an obvious variation for the well-known purpose of providing versatility and accessibility of the data objects in such a shared data environment, for example.

Independent claims 36, 41, 43 and 48, and claims 37, 42, 44 and 50, are similar to the method of Count 1 except that various steps have been omitted, such being obvious since omission of an element and its function in a combination where remaining elements perform the same functions as before involves only routine skill in the art.

Claim 2 adds the limitation that the general set of control data is also encrypted. Such a modification would have been obvious, to one having ordinary skill in the art, at the time the instant invention was made, because encrypting control data was well-known to enhance overall security of data distribution (for example: taught at least by Hellman, U.S. PN 4658093, see at least claim 5; and Wiedemer, U.S. PN 4796181, see at least col. 13).

Claims 3, 5, 17, 39 and 52 add limitations concerning various types of control data included in the method of Count 1, which would have been obvious choices, to one having ordinary skill in the art, at the time the instant invention was made, as a consequence of implementation in particular well-known data distribution environments.

Claims 6, 8, 33, 40 and 49 additionally provide for the "mirror" of the method of Count 1 (i.e.; Count 1 provides for the packaging of a data object with its usage control elements for transmission to a user, while these listed claims provide for the user receiving such objects and using them according to the usage control elements), which would have been an obvious consequence of the method of Count 1.

Claim 7 adds the limitation of requiring payment to the method of Count 1, which would have been an obvious variation, in view of the well-known application of data object management to a licensing/Internet environment, for example.

Claims 9, 15, 22, 32 and 34 additionally provide for repeated (re)-packaging of the data objects (i.e.; the sharing of data objects) of the method of Count 1, wherein such would have been an obvious variation for the well-known purpose of providing versatility and accessibility of the data objects in such a shared data environment, for example.

Claims 11 and 12 provide additional limitations concerning updating of usage control elements (i.e.; decrementing number of uses), which would have been implementation specific, and obvious to one having ordinary skill in the art, at the time the instant invention was made, since number of uses was a well-known criteria for shared data control.

Claims 29 and 31 add limitations concerning plural objects being grouped within a package of the method of Count 1, which would have been an obvious variation, at the time the instant invention was made, in view of bandwidth considerations for network data transmission (i.e.; it was well-known in the art to packetize data for transmission in a network, in order to reduce bandwidth requirements).

Claim 30 adds the limitation that transmission of a data package of the method of Count 1 is across a network, such network transmission of data having been well-known at the time the instant invention was made.

Claims 45-47, 51 and 53 add limitations concerning various types of data enclosed in (i.e.; the contents of) the packages of the method of Count 1, all of which would have been obvious choices, to one having ordinary skill in the art, as a consequence of implementation in particular well-known data distribution environments.

Correspondence of claims of SN 09/164,606 (Benson et al. II) to Count 1 above.

Independent claims 30, 39, 56, 64 and 65, and claims 31 and 66, include all the limitations of the method of Count 1, while adding the limitation that the general set of control data is also encrypted. Such a modification would have been obvious, to one having ordinary skill in the art, at the time the instant invention was made, because encrypting control data was well-known to enhance overall security of data distribution (for example: taught at least by Hellman, U.S. PN 4658093, see at least claim 5; and Wiedemer, U.S. PN 4796181, see at least col. 13).

Independent claim 45 is the apparatus version of claim 30, similar to the method of Count 1 as noted above.

Independent claim 48 is the apparatus version of claim 39, similar to the method of Count 1 as noted above.

Claims 32, 34, 46 and 68 add limitations concerning various types of control data included in the method of Count 1, all of which would have been obvious choices, to one having ordinary skill in the art, at the time the instant invention was made, as a consequence of implementation in particular well-known data distribution environments.

Claims 35, 37, 62 and 69, and additionally claims 39 and 48, provide for the "mirror" of the method of Count 1 (i.e.; Count 1 provides for the packaging of a data object with its usage control elements for transmission to a user, while these listed claims provide for the user receiving such objects and using them according to the usage control elements), which would have been an obvious consequence of the method of Count 1.

Claim 36 adds the limitation of requiring payment to the method of Count 1, which would have been an obvious variation, in view of the well-known application of data object management to a licensing/Internet environment, for example.

Claims 38, 44, 51, 61 and 63, and additionally claims 56 and 64, provide for repeated (re)-packaging of the data objects (i.e.; the sharing of data objects) of the method of Count 1, wherein such would have been an obvious variation for the well-known purpose of providing versatility and accessibility of the data objects in such a shared data environment, for example.

Claims 40 and 41 provide additional limitations concerning updating of usage control elements (i.e.; decrementing number of uses), which would have been implementation specific, and obvious to one having ordinary skill in the art, at the time the instant invention was made, since number of uses was a well-known criteria for shared data control.

Claims 58 and 60 add limitations concerning plural objects being grouped within a package of the method of Count 1, which would have been an obvious variation, at the time the instant invention was made, in view of bandwidth considerations for network data transmission (i.e.; it was well-known in the art to packetize data for transmission in a network, in order to reduce bandwidth requirements).

Claim 59 adds the limitation that transmission of a data package of the method of Count 1 is across a network, such network transmission of data having been well-known at the time the instant invention was made.

Correspondence of claims of PN 5845281 (Benson et al. I) to Count 1 above.

Independent claims 1, 10, 22 and 29, and claim 2, include all the limitations of the method of Count 1, while adding two limitations. The first limitation provides that the general set of control data is also encrypted. As presented above, with regard to Benson et al. II, such a modification would have been obvious. **Additionally**, the second added limitation provides that data objects and usage control data are stored in memory. Such would have been inherent to any data distribution environment, since the purpose of distribution is for accessibility and use of the data, which would not be possible without some form of storage.

Independent claim 16 is the apparatus version of the method of claim 1, similar to Count 1 as noted above.

Independent claim 18 is the apparatus version of the method of claim 10, similar to Count 1 as noted above.

Claims 3, 5 and 17 add limitations concerning various types of control data included in the method of Count 1, all of which would have been obvious choices, to one having ordinary skill in the art, at the time the instant invention was made, as a consequence of implementation in particular well-known data distribution environments.

Claims 6, 8 and 27, and additionally claims 10 and 18, provide for the "mirror" of the method of Count 1 (i.e.; Count 1 provides for the packaging of a data object with its usage control elements for transmission to a user, while these listed claims provide for the user receiving such objects and using them according to the usage control elements), which would have been an obvious consequence of the method of Count 1.

Claim 7 adds the limitation of requiring payment to the method of Count 1, which would have been an obvious variation, in view of the well-known application of data object management to a licensing/Internet environment, for example.

Claims 9, 15, 19, 26 and 28, and additionally claims 22 and 29, provide for repeated (re)-packaging of the data objects (i.e.; the sharing of data objects) of the method of Count 1, wherein such would have been an obvious variation for the well-known purpose of providing versatility and accessibility of the data objects in such a shared data environment, for example.

Claims 11 and 12 provide additional limitations concerning updating of usage control elements (i.e.; decrementing number of uses), which would have been implementation specific, and obvious to one having ordinary skill in the art, at the time the instant invention was made, since number of uses was a well-known criteria for shared data control.

Claims 23 and 25 add limitations concerning plural objects being grouped within a package of the method of Count 1, which would have been an obvious variation, at the time the instant invention was made, in view of bandwidth considerations for network data transmission (i.e.; it was well-known in the art to packetize data for transmission in a network, in order to reduce bandwidth requirements).

Claim 24 adds the limitation that transmission of a data package of the method of Count 1 is across a network, such network transmission of data having been well-known at the time the instant invention was made.

Correspondence of claims of SN 09/411,205 (Ginter et al.) to Count 1 above.

Claims 91-93, 95-102, 105-109 and 112-119 are identical to claims 1-3, 5-12, 15-19 and 22-29 of PN 5845281 (Benson et al. I) above. Accordingly, the following applies:

Independent claims 91, 100, 112 and 119, and claim 92, include all the limitations of the method of Count 1, while adding two limitations. The first limitation provides that the general set of control data is also encrypted. As presented above, with regard to Benson et al. II, such a modification would have been obvious. **Additionally**, the second added limitation provides that data objects and usage control data are stored in memory. Such would have been inherent to any data distribution environment, since the purpose of distribution is for accessibility and use of the data, which would not be possible without some form of storage.

Independent claim 106 is the apparatus version of the method of claim 91, similar to Count 1 as noted above.

Independent claim 108 is the apparatus version of the method of claim 100, similar to Count 1 as noted above.

Claim 120 is substantially similar to the method of Count 1, except that equivalent language from the specification of Ginter et al. has been used.

Claim 135 is the apparatus version of claim 120, similar to the method of Count 1 as noted above.

Claims 93, 95 and 107 add limitations concerning various types of control data included in the method of Count 1, all of which would have been obvious choices, to one having ordinary skill in the art, at the time the instant invention was made, as a consequence of implementation in particular well-known data distribution environments. Corresponding claims 121, 122, 124 and 136 use the equivalent language noted above.

Claims 96, 98 and 117, and additionally claims 100 and 108, provide for the "mirror" of the method of Count 1 (i.e.; Count 1 provides for the packaging of a data object with its usage control elements for transmission to a user, while these listed claims provide for the user receiving such objects and using them according to the usage control elements), which would have been an obvious consequence of the method of Count 1. Corresponding claims 125, 127, 129, 137 and 146 use the equivalent language noted above.

Claim 97 adds the limitation of requiring payment to the method of Count 1, which would have been an obvious variation, in view of the well-known application of data object management to a licensing/Internet environment, for example. Corresponding claim 126 uses the equivalent language noted above.

Claims 99, 105, 109, 116 and 118, and additionally claims 112 and 119, provide for repeated (re)-packaging of the data objects (i.e.; the sharing of data objects) of the method of Count 1, wherein such would have been an obvious variation for the well-known purpose of providing versatility and accessibility of the data objects in such a shared data environment, for example. Corresponding claims 128, 134, 138, 141, 145, 147 and 148 use the equivalent language noted above.

Claims 101 and 102 provide additional limitations concerning updating of usage control elements (i.e.; decrementing number of uses), which would have been implementation specific, and obvious to one having ordinary skill in the art, at the time the instant invention was made, since number of uses was a well-known criteria for shared data control. Corresponding claims 130 and 131 use the equivalent language noted above.

Claims 113 and 115 add limitations concerning plural objects being grouped within a package of the method of Count 1, which would have been an obvious variation, at the time the instant invention was made, in view of bandwidth considerations for network data transmission (i.e.; it was well-known in the art to packetize data for transmission in a network, in order to reduce bandwidth requirements). Corresponding claims 142 and 144 use the equivalent language noted above.

Claim 114 adds the limitation that transmission of a data package of the method of Count 1 is across a network, such network transmission of data having been well-known at the time the instant invention was made. Corresponding claim 143 uses the equivalent language noted above.

COUNT 2:

- claim 4 of SN 09/321,386 (Benson et al. III), with the following corresponding claims:

SN 09/321,386 (Benson et al. III): claims 4, 13, 14, 18, 20, 21, 28 and 38

SN 09/164,606 (Benson et al. II): claims 33, 42, 43, 47, 49, 50, 57 and 67

PN 5845281 (Benson et al. I): claims 4, 13 and 14

SN 09/411,205 (Ginter et al.): claims 94, 103, 104, 123, 132 and 133

** Since the claims of this count are dependent upon the claims of Count 1, the following analysis tracks Count 1 precisely, with regard to the relationship between the claims in Benson et al. I, II and III. The rationales have been repeated here, with appropriate claim numbering.

Correspondence of claims of SN 09/321,386 (Benson et al. III) to Count 2 above.

Dependent claim 4 is Count 2.

Dependent claim 13 is substantially similar to Count 2, except that it depends from parent claim 10, which differs from parent Count 1 as specified above. Namely, the "mirror" of the method of parent Count 1 was provided for, which would have been an obvious consequence of the method of parent Count 1.

Dependent claims 14 and 28 add the limitation that processor execution is dependent upon the control data, which is an inherent purpose of using control data.

Dependent claim 18 is the apparatus version of claim 4, similar to the method of Count 2 as noted above.

Dependent claim 20 is the apparatus version of claim 13, similar to the method of Count 2 as noted above.

Dependent claim 21 adds the limitation that the encryption uses a specific type of algorithm, which was a well-known type of algorithm at the time the instant invention was made. As admitted by Applicant, at page 10 of the instant specification, it was well-known in the art to use "any appropriate, commercially available [encryption] module."

Dependent claim 38 is substantially similar to the method of Count 2, except that it depends from parent claim 36, which differs from parent Count 1 as specified above. Namely, various steps of storing and/or concatenating are omitted, such being obvious since omission of an element and its function in a combination where the remaining elements perform the same functions as before involves only routine skill in the art.

Correspondence of claims of SN 09/164,606 (Benson et al. II) to Count 2 above.

Dependent claim 33 includes all the limitations of the method of Count 1, while adding the limitation that the general set of control data is also encrypted. Such a modification would have been obvious, to one having ordinary skill in the art, at the time the instant invention was made, because encrypting control data was well-known to enhance overall security of data distribution (for example: taught at least by Hellman, U.S. PN 4658093, see at least claim 5; and Wiedemer, U.S. PN 4796181, see at least col. 13).

Dependent claim 42 is substantially similar to Count 2, except that it depends from parent claim 39, which differs from parent Count 1 as specified above. Namely, the "mirror" of the method of parent Count 1 was provided for, which would have been an obvious consequence of the method of parent Count 1.

Dependent claims 43 and 57 add the limitation that processor execution is dependent upon the control data, which is an inherent purpose of using control data.

Dependent claim 47 is the apparatus version of the method of claim 33, similar to Count 2 as noted above.

Dependent claim 49 is the apparatus version of the method of claim 42, similar to Count 2 as noted above.

Dependent claim 50 adds the limitation that the encryption uses a specific type of algorithm, which was a well-known type of algorithm at the time the instant invention was made. As admitted by Applicant, at page 10 of the instant specification, it was well-known in the art to use "any appropriate, commercially available [encryption] module."

Dependent claim 67 is substantially similar to the method of Count 2, except that it depends from parent claim 65 which differs from parent Count 1 as specified above. Namely, various steps of storing and/or concatenating are omitted, such being obvious since omission of an element and its function in a combination where the remaining elements perform the same functions as before involves only routine skill in the art.

Correspondence of claims of PN 5845281 (Benson et al. I) to Count 2 above.

Dependent claim 4 includes all the limitations of the method of Count 2, while adding two limitations. The first limitation provides that the general set of control data is also encrypted. As presented above, with regard to Benson et al. II, such a modification would have been obvious. **Additionally**, the second added limitation provides that data objects and usage control data are stored in memory. Such would have been inherent to any data distribution environment, since the purpose of distribution is for accessibility and use of the data, which would not be possible without some form of storage.

Dependent claim 13 is substantially similar to Count 2, except that it depends from parent claim 10, which differs from parent Count 1 as specified above. Namely, the "mirror" of the method of parent Count 1 was provided for, which would have been an obvious consequence of the method of parent Count 1.

Dependent claim 14 adds the limitation that processor execution is dependent upon the control data, which is an inherent purpose of using control data.

Correspondence of claims of SN 09/411,205 (Ginter et al.) to Count 2 above.

Dependent claims 94, 103 and 104 are identical to claims 4, 13 and 14 of PN 5845281 (Benson et al. I) above. Accordingly, the following applies:

Dependent claim 94 includes all the limitations of the method of Count 2, while adding two limitations. The first limitation provides that the general set of control data is also encrypted. As presented above, with regard to Benson et al. II, such a modification would have been obvious. **Additionally**, the second added limitation provides that data objects and usage control data are stored in memory. Such would have been inherent to any data distribution environment, since the purpose of distribution is for accessibility and use of the data, which would not be possible without some form of storage. is identical to Count 2.

Dependent claim 123 is substantially similar to the method of Count 2, except that equivalent language from the specification of Ginter et al. has been used.

Dependent claim 103 is substantially similar to the method of Count 2, except that it depends from parent claim 100, which differs from parent Count 2 as specified above. Namely, the "mirror" of the method of parent Count 2 was provided for, which would have been an obvious consequence of the method of parent Count 2. Corresponding claim 132 uses the equivalent language noted above.

Dependent claim 104 adds the limitation that processor execution is dependent upon the control data, which is an inherent purpose of using control data. Corresponding claim 133 uses the equivalent language noted above.

COUNT 3:

APJ Lee 9/12/03

- claim 23 of SN 09/321,386 (Benson et al. III), with the following corresponding claims:

SN 09/321,386 (Benson et al. III): claims 23 and 24

SN 09/164,606 (Benson et al. II): claims 52, 53 and 55

PN 5845281 (Benson et al. I): claims 20 and 21

SN 09/411,205 (Ginter et al.): claims 110, 111, 139 and 140

** Again, although these claims are independent of the claims in Count 1, the following analysis still tracks Counts 1 and 2 precisely, with regard to the relationship between the claims in Benson et al. I, II and III. The rationales have been repeated here, with appropriate claim numbering.

Correspondence of claims of SN 09/321,386 (Benson et al. III) to Count 3 above.

Independent claim 23 is Count 3.

Claim 24 adds a limitation concerning various types of data enclosed in the packages of the method of Count 3, all of which would have been obvious choices, to one having ordinary skill in the art, as a consequence of implementation in a particular data sharing environment.

Correspondence of claims of SN 09/164,606 (Benson et al. II) to Count 3 above.

Independent claim 52 includes all the limitations of the method of Count 3, while adding the limitation that the general set of control data is also encrypted. Such a modification would have been obvious, to one having ordinary skill in the art, at the time the instant invention was made, because encrypting control data was well-known to enhance overall security of data distribution (for example: taught at least by Hellman, U.S. PN 4658093, see at least claim 5; and Wiedemer, U.S. PN 4796181, see at least col. 13).

Claim 53 adds a limitation concerning various types of data enclosed in the packages of the method of Count 3, all of which would have been obvious choices of design, to one having ordinary skill in the art, as a consequence of implementation in a particular environment.

Claim 55 additionally provides for repeated (re)-packaging of the data objects of the method of Count 3, wherein such would have been an obvious variation for the well-known purpose of providing versatility and accessibility of the data objects in a shared data environment, for example.

Correspondence of claims of PN 5845281 (Benson et al. I) to Count 3 above.

Independent claim 20 includes all the limitations of the method of Count 3, while adding two limitations. The first limitation provides that the general set of control data is also encrypted. As presented above, with regard to Benson et al. II, such a modification would have been obvious. **Additionally**, the second added limitation provides that data objects and usage control data are stored in memory. Such would have been inherent to any data distribution environment, since the purpose of distribution is for accessibility and use of the data, which would not be possible without some form of storage.

Claim 21 additionally provides for repeated (re)-packaging of the data objects of the method of Count 3, wherein such would have been an obvious variation for the well-known purpose of providing versatility and accessibility of the data objects in a shared data environment, for example.

Correspondence of claims of SN 09/411,205 (Ginter et al.) to Count 3 above.

Claims 110 and 111 are identical to claims 20 and 21 of PN 5845281 (Benson et al. I) above. Accordingly, the following applies:

Independent claim 110 includes all the limitations of the method of Count 2, while adding two limitations. The first limitation provides that the general set of control data is also encrypted. As presented above, with regard to Benson et al. II, such a modification would have been obvious. **Additionally**, the second added limitation provides that data objects and usage control data are stored in memory. Such would have been inherent to any data distribution environment, since the purpose of distribution is for accessibility and use of the data, which would not be possible without some form of storage.

Independent claim 139 is substantially similar to the method of Count 3, except that equivalent language from the specification of Ginter et al. has been used.

Claim 111 provides for repeated (re)-packaging of the data objects of the method of Count 3, wherein such would have been an obvious variation for the well-known purpose of providing versatility and accessibility of the data objects in a shared data environment, for example. Corresponding claim 140 uses the equivalent language noted above.

**<u>NOTE</u>: claim 54 of SN 09/164,606 (Benson et al. II) and claims 25 and 26 of SN 09/321,386 (Benson et al. III) do not have corresponding interfering claims in SN 09/411,205 (Ginter et al.).

Correlation of claims in application copied from PN 5845281 to claims in patent:

Appl. S.N. 09/411,205 (Ginter et al.)	PN 5845281 (Benson et al. I)
91	1
92	2
93	3
94	4
95	5
96	6
97	7
98	8
99	9
100	10
101	11
102	12
103	13
104	14
105	15
106	16
107	17
108	18
109	19
110	20
111	21
112	22
113	23
114	24
115	25
116	26
117	27
118	28
119	29